

**MINUTES** of the meeting of the **CHILDREN, FAMILIES, LIFELONG LEARNING AND CULTURE SELECT COMMITTEE** held at 10.00 am on 12 September 2024 at Woodhatch Place, 11 Cockshot Hill, Reigate, RH2 8EF.

These minutes are subject to confirmation by the Committee at its meeting on Thursday, 14 November 2024.

**Elected Members:**

- \* Fiona Davidson (Chairman)
- \* Jonathan Essex
- \* Robert Hughes
- \* Rebecca Jennings-Evans
- \* Rachael Lake BEM
- \* Bernie Muir
- \* John O'Reilly
- Mark Sugden
- \* Ashley Tilling
- \* Liz Townsend
- Chris Townsend (Vice-Chairman)
- \* Jeremy Webster (Vice-Chairman)
- Fiona White

**Co-opted Members:**

- \* Julie Oldroyd, Diocesan Representative for the Catholic Church
- Mr Alex Tear, Diocesan Representative for the Anglican Church, Diocese of Guildford
- \* present

**32/ APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Councillors Chris Townsend and Mark Sugdon, and Mr Alex Tear.

**33/ MINUTES OF THE PREVIOUS MEETINGS: 30 JULY 2024 [Item 2]**

The Committee **AGREED** the minutes from the previous meeting were a true and accurate record of the meeting.

**34/ DECLARATIONS OF INTEREST [Item 3]**

None received.

**35/ QUESTIONS AND PETITIONS [Item 4]**

There was one Member question received from Councillor Davidson about the budget for SEND play provision. The question and answer were published as a supplementary agenda.

**36/ ACTIONS AND RECOMMENDATIONS TRACKER AND FORWARD WORK PLAN [Item 5]**

The Committee **NOTED** the action and recommendation tracker.

**37/ REPORT OF THE ADDITIONAL NEEDS & DISABILITIES: PARENT AND CARER EXPERIENCE TASK GROUP [Item 6]**

**Witnesses:**

- Councillor Jeremy Webster, Chairman of Task Group
- Councillor Jonathan Essex, Task Group Member
- Clare Curran, Cabinet Member for Children, Families and Lifelong Learning
- Rachael Wardell, Executive Director for Children, Families and Lifelong Learning
- Julia Katherine, Director for Education and Lifelong Learning
- Liz Bone, SEND County Service Planning & Performance Leader

**Key points made in the discussion:**

1. The Chair thanked the Task Group for an insightful and sobering report. While recognising that Education Health and Care Plans (EHCP) were an issue nationally, she said the Task Group's recommendations addressed long-standing local issues that were within the Council's control.
2. The Task Group Chairman said they had been moved by meeting parents, carers and staff, but despite this they had kept the report proportionate. He stressed the need for better support and tools for frontline staff to improve customer engagement and expressed frustration with slow progress in improving staff career paths. He praised good practice observed at the Learners' Single Point of Access (L-SPA) and was very hopeful about the Partnerships for Inclusion of Neurodiversity in Schools (PINS) programme.
3. The Scrutiny Officer thanked the parents and carers who took part, having to relive difficult experiences. She also gave thanks to the case officers who contributed.
4. A Member questioned why response times could not be monitored. The SEND County Service Planning & Performance Leader explained that currently there was no way of monitoring communications to and from the case officers' individual email addresses and mobile phones. A new phone system using Microsoft Teams would enable monitoring, but the technology had to be set up first. To enable oversight of emails, they were looking at a group email option and, more long-term, building a parent portal. The Chair voiced her frustration that improving communication had not been made a higher priority.
5. A Member commended a powerful report and asked if the team agreed with its substance. The Cabinet Member said she was concerned that there were many families across Surrey that were not getting the support and the service that their children need, and she apologised for that. She mentioned Surrey County Council had invested £15 million over three years to both address the backlog of overdue EHCPs and ensure children were getting some support in school while waiting. The Cabinet Member was glad the report acknowledged there were pockets of good practice but affirmed that there was more work to be urgently done.
6. The Executive Director for Children, Families and Lifelong Learning said the report's findings could be used to strengthen work already underway. The Service had made progress but, because demand continued to increase, proportionately, problems remained. She said the recommended increase in case officers had not been fully costed but would probably mean a £3.5 million pressure. They would take the

suggestion seriously, but it would need to be balanced against other requirements in budget planning. The Chair commented that improvement to date was not of the scale necessary to meet need.

7. A Task Group Member appealed to decision-makers to keep the parents' quotes in mind and consider recommendations in the round. He asked the Service looking at the EHCP process to also consider parts outside the Council's control but within its purview of influence, such as the time taken for diagnosis by MindWorks.
8. A Member said after speaking to teachers that she worried about the lack of emphasis placed on special educational needs (SEN) by some teacher training providers. The Chair suggested councillors lobby Government for more training through the County Council Network (CCN) and Local Government Association (LGA). The Executive Director suggested they could support the recommendations of the July 2024 report commissioned by the CCN and LGA. She added that a previous education bill under the last Government had included a dedicated SEN stream for the professional development of teachers but it was not enacted.
9. The headteacher of Redhill's Carrington School said teacher training in SEN was sporadic and not universal. It relied on schools to see it as an important focus; however, this was a challenge because Early Career Teachers' time was very limited. She spoke about the difficulty in recruiting special educational needs co-ordinators (SENCO) and that the cost of their professional qualification would now have to be borne by the school. A Member said some teacher training programmes had started to include special needs education, though more so in primary than secondary.

**Resolved:**

It is intended that, should Cabinet agree them, all the recommendations that follow are implemented over the next 12 months.

The Children, Families, Lifelong Learning and Culture Select Committee recommends that:

1. **Staffing and training**

The AND workforce must be appropriately sized to meet demand and better equipped to cope with the challenges of the role:

(a) All officers in the Inclusion and Additional Needs teams should have compulsory (i) training in SEND legal obligations from IPSEA and (ii) training in neurodiversity and needs of families from a charity with lived experience, such as National Autistic Society.

(b) Increase the number of permanent, customer-facing case officers by 50% to 120, to help ensure EHCPs are both child-centric and timely.

(c) Revise the case officer job description so that it reflects the need for difficult and complex interaction with customers, to ensure recruitment is geared towards the needs of the role.

(d) Given that case officers are recruited from a diverse range of backgrounds, a more thorough induction in the first month of employment should include: (i) clear guidance in how staff are expected to deliver and what is held to be important, (ii) the Code of Practice, (iii) the self-presented real-life experiences of parents and carers to foster empathy and (iv) how to de-escalate aggression stemming from personal trauma.

(e) Make a level 3 qualification in SEND casework compulsory for all case officers to be completed in their first 12 months, and provide them with appropriate study time to achieve this.

(f) Provide therapeutic supervision for case officers, a supported space in which they can reflect on the impact of the work on them.

(g) Award a new senior practitioner role to experienced and resilient case officers who display excellence in customer focus, who will move around Surrey quadrants and not be tied to a particular school-based area.

## 2. **Communication**

Support for families must be more personal and easier to access:

(a) SEND case managers must improve the attention they give to parental experience. They should be trained in a person-centred approach to support, develop and spread good practice, and relieve pressure on the front line to afford case officers the time to consider how to communicate with parents and carers in a way that avoids conflict, and for example,

(i) Communicate through face-to-face conversations at every stage possible;

(ii) Individualise communication plans based on parental preference e.g. some prefer to hear from the case officer regardless of progress, while others do not want regular contact reporting no news;

(iii) Add a more personal and empathetic narrative to the automated holding response that emails will be responded to within 5 working days.

(b) The guide for parents and carers of children with AND should:

(i) Include a jargon-free explanation of the statutory EHCP process, making clear what roles different officers do at each step of the way;

(ii) Be distributed by schools termly with their newsletter (SEND Support Advisors to request);

(iii) Be digitally distributed by Member Services to all Surrey county councillors to assist them in their casework and help in their role facilitating communication.

(c) Produce an easy-read version of the EHCP Governance Board (EGB) Terms of Reference, simplifying language wherever possible to aide understanding, and automatically make available to parents and carers in good time before a Panel decision is due.

## 3. **Timeliness monitoring**

System used by Inclusion and Additional Needs teams needs to enable full monitoring of Key Performance Indicators:

(a) Develop a way SEND case managers can monitor the response times of parent and carer communications with case officers, and review performance monthly at Director level.

(b) Such monitoring may require a reduction of the multiple and varied means of contact to leave only those which can be sent to a centralised database. This would enable communications to be distributed between colleagues to cover when the recipient is not at work.

#### **4. Quality assurance**

To mitigate a decline in quality during the clearance of the backlog, annual reviews due in the next 12 months are brought forward to the earliest possible opportunity.

#### **5. Process**

The excessively complicated EHCP procedure needs to be improved, for example:

(a) Create more opportunities for co-production with families, including checking with parents before the EHCP Governance Board makes a decision, that it is privy to all information they were expecting.

(b) The Task Group supports the exploration of AI technology to support with internal admin and free up case officers to focus on relational work, but stresses this should be non-customer facing. It recommends a comparison of performance before and after its introduction.

#### **6. Dispute resolution**

When only 2% of Local Authority decisions are being fully upheld at tribunal, there is a need to reduce the number reaching that stage. For example,

(a) A Tribunal Officer should be assigned to familiarise themselves with case law and reflect on common causes of tribunals, in order to ascertain swiftly following a case being registered if it is worth pursuing.

(b) A business plan should be prepared to evidence the merits of expanding the mediation and dispute resolutions pilot and extending it beyond 12 months.

#### **7. Training for schools**

SCC should lobby the Government to continue the Partnership for Inclusion of Neurodiversity in Schools (PINS) in the future, and should encourage more schools to take up the offer. SEN and building relationships with families should not be the sole responsibility of one person in a school. To achieve this:

(a) When the PINS programme ends, neurodiversity advisors in conjunction with Family Voice Surrey facilitated parent groups should continue to work with schools to upskill ALL teaching staff (not just the

SENCo, and including senior leadership) and help them to instil (i) a strong understanding of neurodiversity and inclusive education principles and mental health and (ii) the importance of engaging with parents and carers of CYP to incorporate their perspectives into classroom activities.

(b) Training should reflect that the primary needs of CYP aged 2-25 with SEN are autism and speech, language and communication, closely followed by social, emotional and mental health needs for six to 25-year-olds. Training should be varied in order to reflect the autistic spectrum, include Pathological Demand Avoidance (PDA), and be followed up by checking that knowledge taught has been acquired.

(c) Data on key indicators and outcomes of the PINS pilot needs to be collected and analysed to make an evidence-based plea to extend the DfE's programme funding beyond March 2025.

(d) The pilot's achievements need to be vigorously promoted amongst education settings, involving families in its promotion.

**38/ EDUCATION, HEALTH AND CARE PLAN (EHCP) RECOVERY PLAN AND END-TO-END REVIEW OF EHCP PROCESS [Item 7]**

**Witnesses:**

- Clare Curran, Cabinet Member for Children, Families and Lifelong Learning
- Rachael Wardell, Executive Director for Children, Families and Lifelong Learning
- Julia Katherine, Director for Education and Lifelong Learning
- Liz Bone, SEND County Service Planning & Performance Leader
- Kerry Oakley, Headteacher of Carrington School, Redhill

**Key points made in the discussion:**

1. The Chair said Surrey County Council was required to manage demand and review the Education, Health and Care processes as part of the Safety Valve Agreement with the Department for Education (DfE), which provided £100 million additional funding to offset the cumulative deficit on special educational needs. Part of the Recovery Plan aimed to help reduce the number of EHCP requests by strengthening Ordinarily Available Provision in schools. The End-to-End Review focused on improving the 20-week statutory process from the initial request to the issue of the EHCP, as well as annual reviews.
2. The Chair said the review showed clear progress in completing more EHCPs on time, with rates improving from 9% in December 2022 to 71% in July 2023. The Cabinet Member said the level of timeliness achieved was commendable and ultimately the ambition was 100% wherever feasible. She noted the Council must report to the DfE three times a year on the Safety Valve Agreement.
3. The headteacher, invited to report on progress observed in her school, described more EHCPs being completed and the increased stability and improved communication from having the same case officer for the last four months. The Specialist Teachers for Inclusive Practice (STIP) team had provided a good service with mental health support. She added that the challenge remained of the school not being able to refer to

MindWorks. She also had concerns about the reduction in the number of specialist places planned, anticipating requests for EHCPs would continue to grow. Consultation with the Council was also problematic, with three pupils allocated to the school despite them stating at consultation that they could not meet their needs.

4. The SEND County Service Planning & Performance Leader responded that schools had the opportunity to voice concerns about their ability to meet need. There should then be a conversation about what reasonable adjustments could be put in place, and she was sorry that had not happened in Carrington School's experience. There were plans to streamline the consultation process.\* The Chair said this highlighted the need for better communication with schools. The Executive Director for Children, Families and Lifelong Learning said the Service would follow up on the status of all cases where schools directed to take a student had expressed a view that they could not meet need .
5. The Chair asked what was being done to support disappointed parents after only 16% of a sample of recovery plan EHCPs in July 2024 were rated good or outstanding, down from 22% in May 2024. She had been notified by parents of wrong or missing information and not being able to reach their case officers. The SEND County Service Planning & Performance Leader said the review has identified issues in EHCPs with the description of health and social care needs, the extent to which the voice of the young person was captured, and typographical errors. However, the young people's educational needs were being described accurately. It could be difficult to distinguish between a mistake in a Plan and a disagreement over a Plan. The Executive Director said there was a distinction between EHCPs that deliver the content to meet educational needs and those judged to be good or outstanding at audit. The Service would check the number of concerns raised about EHCP quality against the number that went through the recovery team and would evaluate challenges due to incorrect or incomplete essential information versus challenges due to disagreement.
6. A Member asked if parents and carers had participated in the end-to-end review process and if meeting notes could be shared. The SEND County Service Planning & Performance Leader said they had individual meetings, and the Service had answered their questions at a Family Voice Surrey event. While notes from one-to-one meetings were not available due to confidentiality, learnings would be made available.
7. A Member asked if co-production with families, identified by the Task Group's research as lacking, was being prioritised. The SEND County Service Planning & Performance Leader said they recognised there was improvement work to do, and it was a priority for the Service. They planned to make better use of technology to lessen the case officers' administrative burden, allowing more capacity to have earlier and more effective co-production meetings with families. They wanted the process to be implemented in a person-centred way and were also increasing the time case officers spend working in schools. The Committee was told feedback on the changes made so far as part of the end-to-end review was collected regularly and was overall positive.
8. A Member asked about annual review element of the end-to-end review. The SEND County Service Planning & Performance Leader said that while only 25% of EHCP annual reviews were completed on time in July

2023, this had risen to 65% at the time of the meeting. A significant issue was ensuring the work done was accurately recorded.

*\* Note: A review following the Select Committee showed that the correct process had taken place including a discussion about reasonable adjustments with additional funds made available.*

**Resolved:**

The Children, Families, Lifelong Learning and Culture Select Committee recommends:

1. In order to ensure that it is moving in the right direction and the changes are delivering what was anticipated, the Service commissions feedback from, or surveys parents/carers and schools on:
  - how the changes to the end-to-end process implemented so far have been received; and
  - whether they have improved outcomes for children, outcomes for schools, communications, timeliness, quality, co-production and relationships.

This feedback should be reported to the Select Committee before the end of 2024, but by February 2025 at the latest.

2. As communications with parents and carers continue to be a significant issue, the Service should undertake, as a priority, a golden thread analysis of touch points with parents and carers (i.e., points where communications ought to be taking place), as well as touch point/communication dependencies. Gaps identified should be remedied as a priority. The results of this analysis should be reported to the Select Committee by February 2025.
3. While the Committee acknowledges that it is desirable for parents to have identified preferred schools for SEND children as early as possible, it recommends that the communication to parents advising them of the timeline for this process is worded unambiguously so that the SCC suggested deadline is clearly differentiated from the statutory deadline. We also recommend that the suggested deadline should not be earlier than the end of September.
4. The Committee endorses the following recommendations from Carrington School:
  - a. Communications with schools should be kept open, and schools should be updated on how referrals to MindWorks are being managed and progressing.
  - b. Enable schools to identify and track funds they receive from Surrey County Council, and help them to clarify that they are receiving the appropriate amount.
  - c. In the situation where the school is requested to accept a child and there is no agreement over whether the school can meet the child's needs, a meeting between the school and the Local Authority should be scheduled to agree a way forward. In addition:
    - The actions from this meeting should be documented and shared with both parties.



- Placing a child in a school should require positive agreement and not be based on any assumptions or assumed default position.
- d. Consider a more flexible approach to identify where some of the funding that would otherwise go to Non-Maintained Independent schools could be spent in maintained sector schools to boost resource and capability - enabling more maintained schools to offer places to pupils who could otherwise only be accommodated in an NMI school.

**Actions/requests for further information:**

- SEND County Service Planning & Performance Leader: To follow up on the status of all cases where schools directed to take a student had expressed a view that they could not meet need.
- Director for Education and Lifelong Learning: To check the number of concerns raised about EHCP quality against the number that went through the recovery team and evaluate how many were challenged due to incorrect or incomplete essential information versus due to disagreement.
- SEND County Service Planning & Performance Leader: To share a link to the Digital Design Team Discovery report and anonymised learnings from the end-to-end review.
- SEND County Service Planning & Performance Leader: To provide the Committee with a summary of feedback received so far on the end-to-end review changes and share the results of the annual parent survey scheduled for the autumn term.
- Director for Education & Lifelong Learning: To provide the number (and proportion compared with the number of applications) of no to assess decisions and no to issue decisions for the last three years.
- Director for Education & Lifelong Learning: To provide benchmarking data if available showing how many EHCPs are rated good or outstanding in other Local Authorities.

*Julie Oldroyd left the meeting at 1.16pm.*

**39/ CHILDREN NOT IN SCHOOL [Item 8]**

**Witnesses:**

- Clare Curran, Cabinet Member for Children, Families and Lifelong Learning
- Rachael Wardell, Executive Director for Children, Families and Learning
- Julia Katherine, Director for Education and Lifelong Learning
- Sandra Morrison, Assistant Director for Inclusion and Additional Needs – SE
- Kelly Lancashire, Education & Inclusion Service Manager – SE

**Key points made in the discussion:**

1. A Member asked how Surrey compares with others in this area. The Assistant Director said Surrey had a lower than national number of children missing education, of severely absent children and of permanent

exclusions, although the latter was rising nationwide. The number of children accessing Alternative Provision commissioned by the Council (0.18%) was slightly higher than the national average (0.12%). The Assistant Director said they would request comparative data from neighbouring regions in the Southeast regional group.

2. A Member questioned how many of the 2,783 Surrey students who were severely absent (i.e. missing 50% or more of school time) had additional needs, and how many were on the waiting list for MindWorks. 723 had an EHCP (26%) and 429 had SEN support (15%). The Service Manager recognised these children were more vulnerable to exploitation and said they were closely monitored. Persistent absence comes under the category of neglect and would trigger an assessment and potential referrals. Being at school is seen as a protective factor and there may be safeguarding concerns when a child is not in school. Attendance is considered a multi-agency responsibility and education meet with police, health and social care every halfterm.
3. The Assistant Director said that more parents had chosen to educate at home since the pandemic. Asked about reasons for this trend, the Committee heard this was primarily due to dissatisfaction with the school or not getting the family's preferred placement. Of the 2,185 Surrey young people who were electively home educated, 146 had an EHCP (7%) and 602 had SEN support (28%).
4. A Member asked for reasons for the 87 children missing education in Surrey, the primary reasons given were that elective home education had been deemed unsuitable; or children with an EHCP had moved into the county and a suitable place not found, with AP yet to be put in place. There was one instance of a child waiting over 500 days for a school place, though the average wait time was about six weeks. Pupils moving into the county were tracked to ensure they register for school within 28 days; if not, the Inclusion Service would intervene.
5. A Member said they were concerned about children receiving too few hours of education and asked that a future report on Alternative Provision (AP) detailed how many young people were receiving less than the 15-hour minimum a week set by the Department for Education, currently 173 in Surrey. Some children were seriously medically unwell, and some were too anxious to spend more than an hour at school each day. Increased student anxiety since Covid had led schools to offer flexible teaching approaches. Case workers were actively working to build their package where possible.
6. A Member asked about the impact of missing significant amounts of school on children and if these effects could be recovered from if they returned to school. The Assistant Director said that while some children benefited from online learning or tutoring, it was well documented that missing school could lead to problems such as risky behaviour. For the future report on AP it was proposed to look into the destinations of Year 11s who had been severely absent.
7. A Member asked about the impact of a new Child Not in School (CNIS) Manager installed in February 2023. The Committee was told there was now consistent practice across the county, and improved oversight of data which allowed for better tracking and dialogues about student needs.

8. A Member asked about the timeline for a register of home-educated children. The Executive Director said this would be welcomed and had been part of the Education Bill that was not taken forward under the previous government.

**Resolved:**

The Children, Families, Lifelong Learning and Culture Select Committee recommends:

1. Surrey County Council (SCC) establishes and delivers a clear and coherent policy in respect of its role in monitoring children not in school and driving increased attendance, and identifies standards of best practice, including Key Performance Indicators for Surrey – by March 2025.
2. SCC should take a leadership role and work with the various parties involved to drive the implementation of these standards and improved performance in Surrey.
3. SCC should deliver an investigation on the impact of outcomes/life chances for children who are not in school, including those (a) severely absent from school and (b) electively home educated – by comparison with their peers.
4. Children with SEND should be clearly identified in the severely absent cohort, and, by March 2025, an action plan to remedy their high prevalence should be developed and ready for delivery.

**Actions/requests for further information:**

- Assistant Director - Inclusion & Additional Needs, SE: To ask statistical and geographical neighbours for (a) data relating to each category of absence identified in the table on page 208 of the report and (b) how many of their CYP severely absent from school have (i) SEN support and (ii) and EHCP.
- Assistant Director - Inclusion & Additional Needs, SE: To provide data on how many (a) CYP severely absent from school and (b) electively home educated CYP are on the MindWorks waiting list, and how these figures compare with regional neighbours.
- Assistant Director - Inclusion & Additional Needs, SE: To provide a breakdown of how many of those severely absent children and young people who have an EHCP, how many are in a special school versus a mainstream school.

**40/ CHILDREN'S HOMES - OFSTED REPORTS PUBLISHED SINCE THE LAST MEETING OF THE SELECT COMMITTEE [Item 9]**

**Witnesses:**

- Clare Curran, Cabinet Member for Children, Families and Lifelong Learning
- Rachael Wardell, Executive Director for Children, Families and Learning
- Tina Benjamin, Director for Corporate Parenting

**Key points made in the discussion:**

1. The Chair thanked the staff of a children's home for their efforts in retaining its 'Good' status and praised their dedication, stressing the importance of maintaining these high standards.

**41/ PERFORMANCE OVERVIEW [Item 10]**

**Witnesses:**

- Clare Curran, Cabinet Member for Children, Families and Lifelong Learning
- Rachael Wardell, Executive Director for Children, Families and Learning
- Patricia Denney, Director for Quality and Performance

**Key points made in the discussion:**

1. The Chair noted that EHCP tribunals had doubled over the past year. She expressed concern about MindWorks, which saw a 49% increase in workload and had a 266-day wait time for appointments.
2. The Chair further said that the proportion of permanent social workers was only 56%, below the 80-85% target, and suggested comparing this with neighbouring areas. She added that the declining recruitment of foster carers must be noted.

**42/ DATE OF THE NEXT MEETING [Item 11]**

The date of the next meeting is 14 November 2024.

Meeting ended at: 2.53 pm

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**Chairman**